REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed on April 29, 2008. Claims 1-40 and 57-61 are rejected. In this Amendment, claims 1, 17, 33 and 57 have been amended. No new matter has been added. No claims are canceled. No claims have been added. Therefore, claims 1-40 and 57-61 are presented for examination.

Rejections Under 35 U.S.C. § 103

Claims 1-32 and 57-60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moulden, Jr., et al., (U.S. Publication No. 2006/0206870, hereinafter "Moulden") in view of Eden (US Publication No. 2003/0009305, hereinafter "Eden").

Claims 33-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moulden in view of Eden, and further in view of Singh, (U.S. Publication No. 2003/0037289 A1).

Summary Of Arguments

1. Claims 1-40 and 57-60 are not obvious over the combination of Moulden and Eden because the combination of Moulden and Eden fails to teach or suggest a checksuite applied to two or more previously selected machines having different operating systems, wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system.

2. Claims 1-16 are not obvious over the combination of Moulden and Eden because the combination of Moulden and Eden fails to teach or suggest simultaneously applying the edited checksuite to at least one of the two or more previously selected machines or one or more additional machines.

1.   Claims 1-40 and 57-60 are not obvious over the combination of Moulden and Eden because the combination of Moulden and Eden fails to teach or suggest a checksuite applied to two or more previously selected machines having different operating systems, wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system.

As stated by the current Office Action, Moulden fails to teach or suggest a checksuite applied to two or more previously selected machines having different operating systems. The Current Office Action cites Eden as teaching such a feature. Eden teaches a testing platform on which tests can be run. In Eden, a test suite that is developed to operate on a first operating system can be ported/adapted to execute on a second operating system. (Eden, par. [0004], par. [0041]). The Examiner has interpreted the ability for tests in Eden to be ported/adapted between operating systems to be the same as a checksuite applied to two or more previously selected machines having different operating systems.

Applicant respectfully disagrees with Examiner's characterization of Eden. In computer science, porting is the process of adapting software so that an executable program can be created for a computing environment that is different from the one for which it was originally designed. (See Merriam-Webster's Collegiate Dictionary, page 966, 2003). Therefore, in Eden a test suite developed for a first operating system must be adapted before it can operate on a second operating system. Once the test suite in Eden has been ported, the ported version of the test suite cannot function on the original operating system. Therefore, Eden does not teach any test suites that include first tests that operate on a first operating system and second tests that operate on a second operating system. In contrast, claim 1 recites, "the checksuite applied to two or more previously selected machines having different operating systems." To further clarify the

difference between claim 1 and the Eden reference, claim 1 has been amended to further recite, "wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system." Accordingly, neither Moulden nor Eden, alone or in combination, teach or suggest all of the limitations of independent claim 1.

Claims 17, 33 and 57 include the language, "the checksuite applied to two or more previously selected machines having different operating systems, wherein the checksuite includes first individual checks that are configured to monitor parameters of a first operating system and second individual checks that are configured to monitor parameters of a second operating system." As noted above, neither Moulden nor Eden, alone or in combination, teach or suggest such a limitation. Accordingly, the applicant respectfully asserts that the present invention as claimed in claims 1, 17, 33 and 57, and their corresponding dependent claims, is patentable over the cited references.

2.   <u>Claims 1-16 are not obvious over the combination of Moulden and Eden because the combination of Moulden and Eden fails to teach or suggest simultaneously applying the edited checksuite to at least one of the two or more previously selected machines or one or more additional machines.</u>

The current Office Action cites Moulden as teaching, "applying the edited checksuite to at least one of the two or more previously selected machines or one or more additional machines." In Moulden, a test project can be generated for a target machine, and one or more tests from the test project can be applied to that target machine. The test project can also separately be run on a different target machine. However, in Moulden a user must separately begin execution of the test project on a first target machine and then on a second target machine.

Moulden does not teach beginning and running the test project on multiple target machines simultaneously. In contrast, claim 1 has been amended to recite, "simultaneously applying the edited checksuite to at least one of the two or more previously selected machines or one or more additional machines."

Eden fails to teach or suggest the features of claim 1 that are missing from Moulden. Accordingly, Applicant submits that neither Moulden nor Eden, alone or in combination, teach or suggest all of the limitations of independent claim 1 or its corresponding dependent claims.

Conclusion

Applicant respectfully requests the withdrawal of the rejections, and submits that pending claims 1-40 and 57-61 are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Benjamin Kimes at (408) 720-8300.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 022666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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